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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 PENNIE COTTRELL,

7 Plaintiff,

8 v.

9 NATIONAL RAILROAD PASSENGER
10 CORPORATION,

11 Defendant.

CASE NO. C18-0072 BHS

ORDER GRANTING IN PART
AND DENYING IN PART
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT AND
SEVERING CLAIMS

12 JACOB BURKE and BELINDA
13 COTTRELL-BURKE, individually and
14 as Joint Guardians to T.B. and R.B., their
15 minor children; and TAYTEM BURKE;

16 Plaintiffs,

17 v.

18 NATIONAL RAILROAD PASSENGER
19 CORPORATION,

20 Defendant

CASE NO. C18-5594 BHS

21 This matter comes before the Court on Defendant National Railroad Passenger
22 Corporation d/b/a/ Amtrak's ("Amtrak") motion for summary judgment on punitive
damages and consumer protection act ("CPA") claim, Dkt. 42, and the Court's order to
show cause, Dkt. 52.

On October 31, 2019, Amtrak filed the instant motion requesting summary
judgment on Plaintiffs Jacob Burke, Taytem Burke, Pennie Cottrell, and Belinda Cottrell-

1 Burke's ("Plaintiffs") request for punitive damages and Consumer Protection Act
2 ("CPA") claims. Dkt. 42. On November 18, 2019, Plaintiffs responded. Dkt. 45. On
3 November 22, 2019, Amtrak replied. Dkt. 48.

4 On February 12, 2020, the Court issued an order requesting a joint status report on
5 outstanding discovery and the parties' position on severance of the CPA claims. Dkt. 51.
6 No party responded.

7 Regarding Amtrak's motion, the Court grants the motion in part and denies the
8 motion in part on the same grounds and for the same reasons set forth in *Mitchem v. Nat'l*
9 *R.R. Passenger Corp.*, C18-5366 BHS, 2020 WL 91490 (W.D. Wash. Jan. 8, 2020) and
10 related cases cited therein.

11 Regarding Plaintiffs' CPA claim, the Court orders the claim severed. The Clerk
12 shall open a new cause number for this claim with these parties.

13 **IT IS SO ORDERED.**

14 Dated this 25th day of February, 2020.

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17 BENJAMIN H. SETTLE
United States District Judge
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